

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:01-00253

JEFFREY TOMPA

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On February 5, 2008, the United States of America appeared by Erik S. Goes, Assistant United States Attorney, and the defendant, Jeffrey Tompa, appeared in person and by his counsel, Lex A. Coleman, Assistant Federal Public Defender, for a hearing on the petition on supervised release and amendment thereto submitted by United States Probation Officer Teresa L. Eggerud, the defendant having commenced a twenty-eight month term of supervised release in this action on January 29, 2007, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on June 6, 2006.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) that the defendant used hydrocodone, for which he did not have a prescription, as evidenced by a positive urine specimen submitted by him on September 1, 2007, the defendant having also admitted to the probation officer and signed a voluntary admission form on November 1, 2007, that he had used hydrocodone, Xanax and marijuana, the defendant also having no prescription for Xanax; (2) that the defendant used marijuana as evidenced by positive urine specimens submitted by him on November 5, 2007, and January 14, 2008; (3) that the defendant failed to appear for urinalysis testing as directed on October 5 and 28, November 20 and 28, December 14, 19, and 28, 2007, and January 11, 2008; (4) that the defendant failed to appear for drug counseling as directed on October 3 and 17, 2007; and (5) that the defendant failed to submit monthly reports for October, November and December, 2007; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release and the amendment thereto.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, on the basis of the original offense, the intervening conduct of the defendant and after considering the factors set forth in 18 U.S.C. § 3553(a), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of EIGHT (8) MONTHS, to be followed by a term of TWENTY (20) MONTHS of supervised release upon the standard conditions of supervised release now in effect in this district by orders entered December 17, 1998, and June 22, 2007, and the further condition that the defendant not commit another federal, state or local

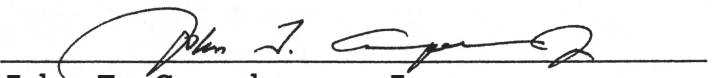
crime and the special condition that, as soon as space is available once he is released, he participate in the six-month PARCER program and aftercare program.

The defendant was remanded to the custody of the United States Marshal.

Recommendation: The court recommends that the defendant be designated to an institution where he can be afforded the benefit of substance abuse treatment and mental health treatment.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: February 6, 2008


John T. Copenhaver, Jr.
United States District Judge